

Date: August 11, 2004 Planning Commission Meeting

Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings

Report Prepared by: Troy Fujimoto

Public Hearing: Yes: ☒ No: ☐

Notices Mailed On: 7-30-04 Published On: 7-29-04 Posted On: 7-30-04

TITLE: USE PERMIT NO. UP2004-15

Proposal: A request to operate an auto rental agency

Location: 148 West Calaveras Boulevard

APN: 022-24-037

RECOMMENDATION: Approval with Conditions

Applicant: Avis Rent A Car, 2551 San Ramon Valley Boulevard #106, San Ramon, CA 94583, attn: Diane Gibson

Property Owner: Calaveras Square, 3645 Warner Drive, San Jose, CA 95127, attn: Sam Lacorte.

Previous Action(s): "S" Zone Approval, Use Permit

General Plan Designation: General Commercial

Present Zoning: General Commercial with an Office and "S" Zone Overlays (C2-OO-S)

Existing Land Use: Multi-tenant shopping center

Environmental Impacts: See Page 4

Agenda Sent To: Applicant & Owner (same as above)

Attachments: Plans
Letter of description from applicant

PJ#2376

BACKGROUND

In July 1976, the Planning Commission approved an "S" Zone application for the development of four commercial retail buildings at Calaveras Square. Subsequent approvals include "S" Zone amendments for minor building modifications, monument signs and a sign program. Additional approvals include use permits for a freestanding sign and internet café, and an amendment to the existing sign program.

The Calaveras Square shopping center is located in the Midtown planning area. The center is bound by Calaveras Boulevard on the west, Abel Street on the east and Serra Way on the south. The shopping center consists of four (4) buildings with 21,000 square feet of commercial retail space and is surrounded by other commercial land uses.

THE APPLICATION/PROJECT DESCRIPTION

This application is submitted pursuant to Section 57 (Conditional Use Permit) and Section 19.03-4 of the Zoning Ordinance. Section 19.03-4 allows auto, mobile home, recreational vehicle and truck rental agencies as a conditional use in the C2 district. The applicant is requesting approval to operate a rental car agency out of a 1,050 square foot space, located at the southeast corner of the building.

While the applicant will have vehicles on-site, it is not proposing to have a large number of vehicles on the site at any given time. Many of the vehicles will be transported in on an as needed basis from different locations in the bay area. The only uses within the tenant space are offices, storage area and cashier areas.



View looking east

ISSUES

Parking

Based on a tenant space of 1,050 square feet, the site has an allocation of five (5) parking spaces. While this would normally be adequate for an office type of use, the applicant has stated a need for seven (7) parking spaces to accommodate employees and parking for a couple of rental cars. Based on the need to have seven parking spaces, the tenant space will not have enough parking to accommodate the use. However, the shopping center, which includes four parcels, has a recorded reciprocal parking agreement, which allows parking to be used by all tenants of the four parcels. The parcel to the west (Bakers Square restaurant), has an excess capacity of two (2) parking spaces, such that the project can use both of the excess parking spaces from the adjacent parcel to meet the required parking demand. In addition, a survey of the site was completed by the applicant, which showed on average that 15 percent of the parking was occupied during peak hours. Based on the availability of excess parking spaces and existing demand levels, there will be adequate parking for the use. However, to ensure that there continues to be adequate parking for all uses, *staff recommends* that the use be limited to seven (7) parking spaces.

Neighborhood/Community Impact

The proposed tenant is expected to have a positive community impact by providing a complementary use to the existing retail uses currently located in the shopping center. It will bring additional patrons to the shopping center, which will benefit all tenants of the center. Therefore, staff concludes that the restaurant as conditioned, will not negatively impact the surrounding neighborhood.

USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to:

Implementing Policy 2.a-I-3, which encourages economic pursuits, which will strengthen and promote development through stability and balance,

Implementing Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector, and

The proposed rental car agency will provide a service for the needs of residents and visitors alike to the City of Milpitas. There are not many locations within the City of Milpitas where someone can rent an automobile, thus, the proposed use would be providing a service not commonly found within the City.

Conformance with the Midtown Specific Plan

The project is located within the Midtown Specific Plan area. Because the proposed use will be located in an existing building and does not trigger any Midtown upgrades, it will not have to conform to Midtown design standards and requirements. Triggers for Midtown include construction of a new building or 50% more parking required for the new use than the previous use, or increase of gross floor area by 10% or over 500 square feet whichever is less.

Conformance with the Zoning Ordinance

The proposed project is located in the General Commercial Zoning District (C-2). Part of this district's purpose is to "include those commercial uses in which shopping may be conducted by people walking to several stores as in a center and may include uses customarily of a single-purpose character served from an immediately parked automobile." The project, with recommended conditions of approval, complies with the City's zoning ordinance for the General Commercial district, because the business is directly tied to an automobile use and it is a use that is conditionally allowed in the zoning district.

RECOMMENDATION

Close the Public Hearing; Approve Use Permit No. P-UP2004-15, based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project is categorically exempt from the provisions of CEQA pursuant to Class 1, Section 15301 (Existing Facilities) of the state CEQA Guidelines.
2. The proposed rental car business is consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use for General Commercial zoning as it is a business use that is primarily oriented to the automobile customer.
3. As conditioned, the rental car business will not be detrimental or injurious to the public health, safety, and general welfare to adjacent tenants or the surrounding community because the project will not have any impacts associated with the project.

SPECIAL CONDITIONS

1. This Use Permit No. P-UP2004-15 approval is for an approximate 1,050 square foot, rental car business as shown on approved plans dated August 11, 2004, except as may be otherwise modified by these conditions of approval. Modifications to the proposed use may require review and approval by the Planning Commission of an amendment to this Use Permit. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
3. This use shall not use more than seven (7) parking spaces at any time. (P)
4. All roof-top equipment associated with this tenant space shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
5. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
6. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
7. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
8. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI:
 - a. Increase the service frequency for existing Recycling 1-cyd bin to two times per week.

- b. An adequate level of service for trash collection, minimum of one 4-cyd bin collected 2X/week.

After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

(P) = Planning Division

(E) = Engineering



We try harder.

Avis Rent A Car
System, Inc.

2551 San Ramon Valley Boulevard
Suite 100
San Ramon, California 94583

Tel: (925) 314-0815
Fax: (925) 314 9832

Avis Expansion Plans

Avis Rent A Car System, Inc. and its subsidiaries operate the world's second largest general-use car rental business, providing business and leisure customers with a wide range of services at more than 1,700 locations in the United States, Canada, Australia, New Zealand and the Latin American/Caribbean region. Avis is recognized as the industry leader in applying new technologies and is one of the world's top brands in customer loyalty. The company is a wholly owned subsidiary of Cendant Corporation. As of September of 2003 Avis has 731 corporate locations in the United States, 233 locations are at airports and 498 locations are off airport.

Avis Rent A Car is seeking to expand and open a retail car rental office in Milpitas. We feel confident that a location in Milpitas would benefit our customers as well as the local economy and be mutually rewarding. Just to name a few, the following corporations are already our accounts that we would service from Milpitas: Cisco Systems, Inc., KLA-Tencor, Linear Technology Corp., LSI Logic, Maxtor, Seagate Technology Inc., and Sollectran Corporation.

Below is a general description of how our proposed location at 148 W. Calaveras Blvd. would operate.

Premises Description and Tenant Improvements:

The location is 1050 sq.ft., and is part of a larger, multi-tenant center. Avis will not make any tenant improvements, we will use the area as is.

Vehicle Parking:

Avis is requesting to park 7 vehicles (Including employee parking). (A sample vehicle availability form indicates how the rentals and returns balance out). As reservations increase we have drivers bring in replacements from other locations such as San Jose Airport.

Hours of Operation and Staffing:

Hours are based upon consumer demand, but generally are as follows:

Monday -- Friday 8:00 am to 6:00 pm

Saturday & Sunday 9:00 am to 2:00 pm

The staff size runs from 1 to 2 people.

Traffic Impact:

Our suburban locations have much less volume than our airport operations. On average we rent 10 cars per day and have a smaller number return. Over a ten-hour day we have 16 customers (10 rentals plus 6 returns), or 1.6 per hour. Therefore our impact on the community is negligible. (A separate parking study attached)

Vehicle Service and Washing:

Avis will have all vehicle service and repairs done at off site local vendors. There will be no mechanical repair, oil changes or refueling done on site. Avis will refuel its cars at a nearby gas station. However, some cars will receive "light " cleaning in the parking spaces away from the building. This light cleaning would consist of cleaning the windshields with water or Windex.

Signage will be addressed separately.

Outdoor signage:

Avis is requesting to place an Avis identity logo sign on the front of the building. We cannot emphasize enough, how important this sign would be to the success of our business. Avis is a retail use and exposure to our logo to the traffic traveling along any major street is one of the important ways we let our customers know are location.

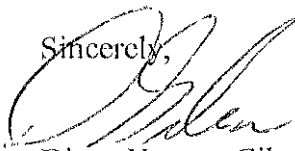
• Signage will be applied for separately in accordance with all City codes.

Examples:

Attached are several pictures of other off airport Avis locations on the bay area.

We are looking forward to pursuing our goal of opening a location in the near future. If you have any questions I can be reached at 925 250 8111 or Dgibson@Avis.com.

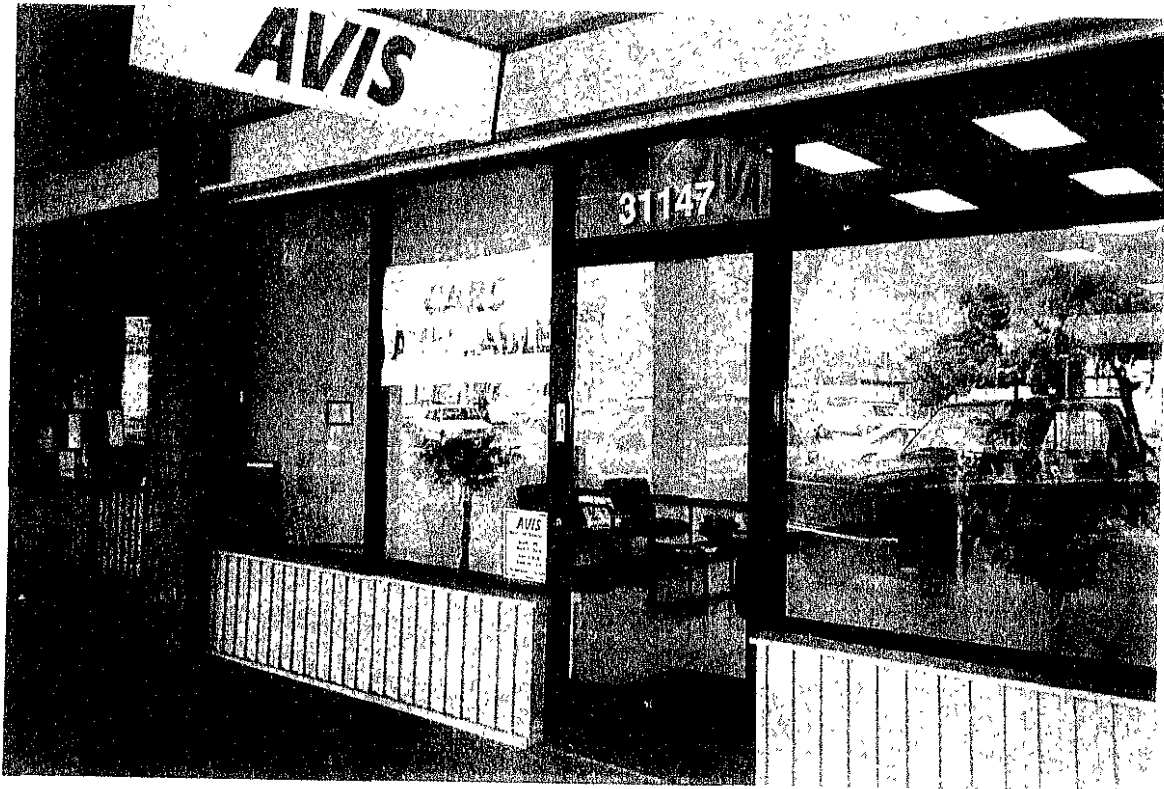
Sincerely,



Diane Hagner-Gibson
Local Market Development Manager
2552 San Ramon Valley Blvd. #106
San Ramon, Ca 94583



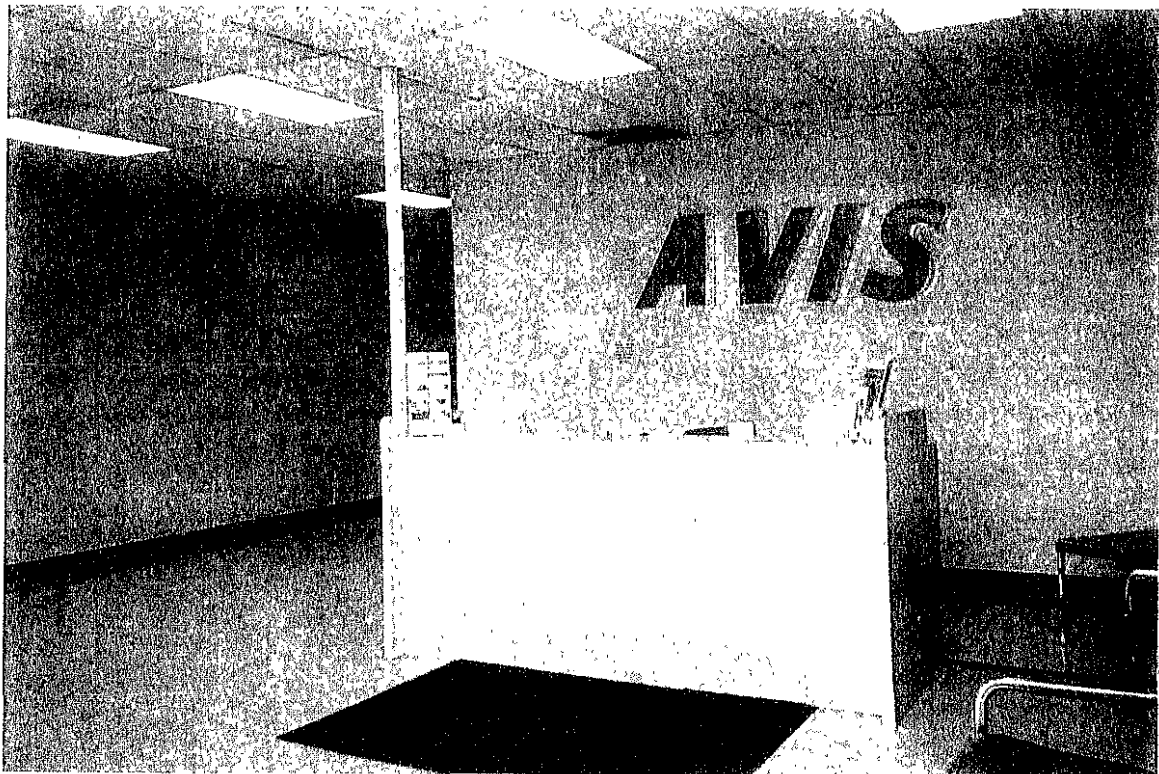
SAN RAMON



HAYWARD



TRACY



Vallejo

Parking Study
52 spaces

6/18 Fri

Hours of operation 8-6

During the 10 hours surveyed the vehicles counted never exceeded 38% occupancy

During that day there was always over 60% of the parking stalls available.

6/19 Sat.

Hours of operation 9-2

During this 5 hours period the vehicles counted never exceeded 46 % occupancy

On this day there was always over 50% of the parking stalls available

AVIS

6/19/04 8 9 10 11 12 1 2 3 4 5 6

S+S

7 = 7

24 = 24

18 = 18

12 = 12

8 = 8

Wetly Binder®

AVIS

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DATE
6/18/04

We try harder.®

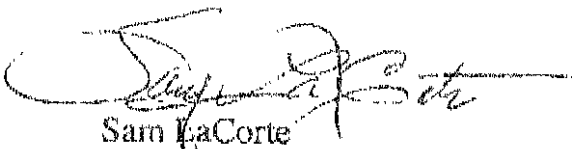


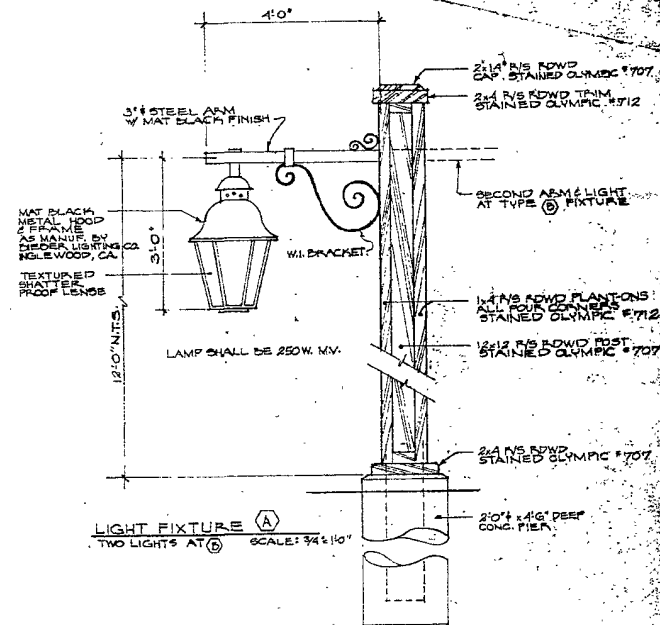
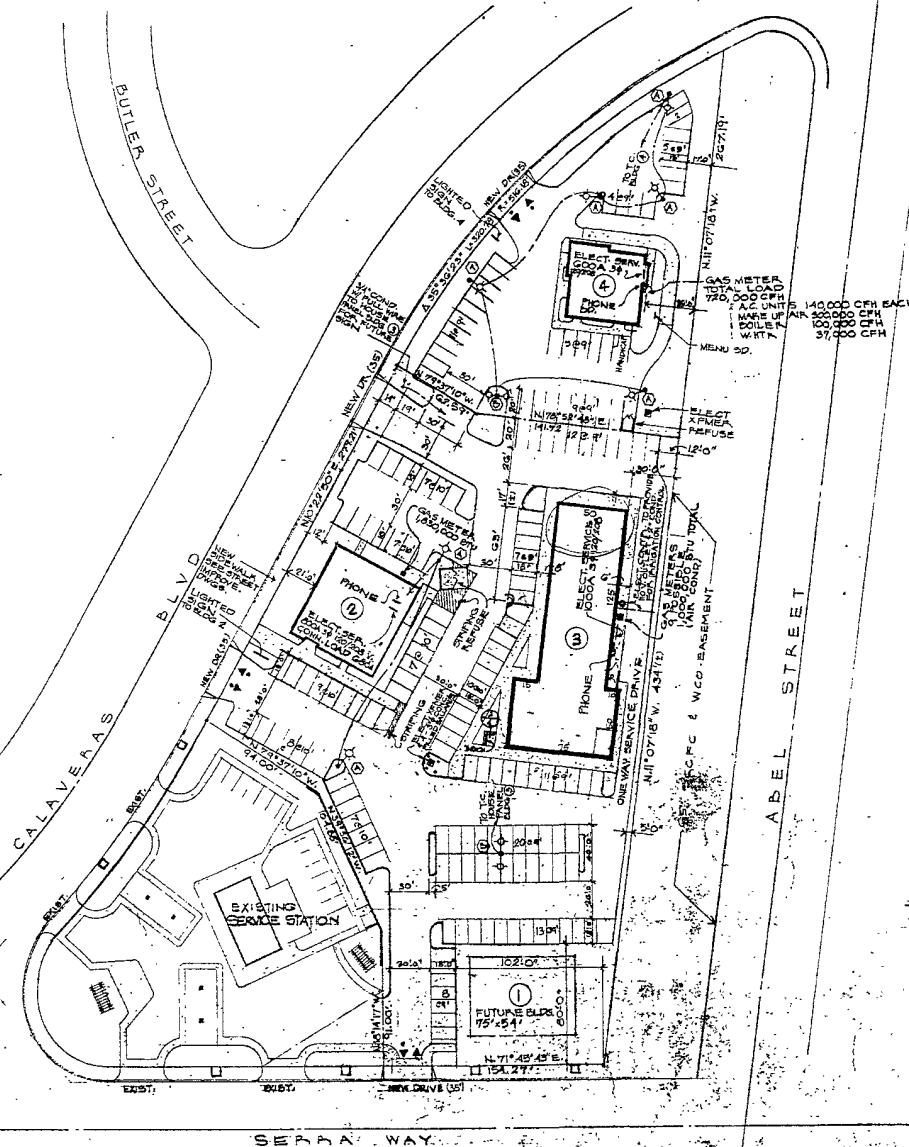
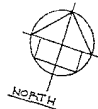
3645 WARNER DRIVE • SAN JOSE, CA 95127-4430 • (408) 259-5871 • FAX (408) 729-4021

August 3, 2004

To Whom It May Concern:

Avis Rent A Car has been allocated two additional parking stalls at the Calaveras Square Shopping Center in Milpitas.


Sam LaCorte
Owner/Manager
Calaveras Square



DRAWINGS BY OTHERS

1. STREET IMPROVEMENT DWGS. & GRADING & DRAINAGE PLAN, ON-SITE UTILITIES & PARCEL MAP, BY MAC KAY & SONS.
2. ENLARGED SITE PLAN AND WORKING DWGS. FOR BLDGS. ② & ④, BY SANCOS & CARL'S JR., RESPECTIVELY.
3. LANDSCAPE DWGS. BY DON KOLL COMPANY.

SITE PLAN SCALE 1"=40'-0"

TOTAL LAND AREA ± 125,142 ± 2.886[±]
 BUILDING NO. 1 SHOPS & OFFICES 4000 SQ. FT. (FUTURE)
 BUILDING NO. 2 SANCOS 4500 SQ. FT.
 BUILDING NO. 3 SHOPS & OFFICES 10,000 SQ. FT.
 BUILDING NO. 4 CARL'S JR. 2759 SQ. FT.

TOTAL BUILDINGS ± 21,259 SQ. FT.
 TOTAL PARKING PROVIDED ± 163 CARS
 RATIO = 1 CAR PER 130 ± SQ. FT.

NOTE

1. ALL ON-SITE SIDEWALKS TO BE 4" CONC. W/ 2"x6"x19" W/W. OVER 4" ASP. BASE, INTEGRAL COLOR (L. M. SCORFIELD CO. A-54-F "AMCO BUFF") & SALT FINISHED. PROVIDE PIER, EXPANSION JOINTS AT 20' OC. & TOOLED JOINTS HALF-WAY BETWEEN.
2. PROVIDE 6" W. ROUND IN-PLACE CONC. CURBS ON SIDEWALKS AROUND ALL PARKING LOT PLANTERS. SEE SHEET 1A PREPARED BY MAC KAY & SONS FOR DETAILS.

148 W CALAVERAS

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LENNIS KOBZA AIA & ASSOCIATES
 ARCHITECT SITE PLANNER
 1000 S. GATEWAY AVENUE, SUITE 100
 SAN JOSE, CALIFORNIA 95128
 (415) 281-1111

DESIGN BY
 DATE 12/78
 REVISION 1
 DATE 1/79
 REVISION 2
 DATE 2/79
 REVISION 3
 DATE 3/79
 REVISION 4
 DATE 4/79

CALAVERAS PLAZA SHOPPING CENTER
 148 W CALAVERAS
 SAN JOSE, CALIFORNIA
 95128

DATE 12/78
 SCALE 1"=40'-0"

Scale 1/4" = 1 foot

